



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, MAY 20, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council Member Council Member Council Member	Cynthia J. Cook Hedy L. Chang J. Robert Foster Bev E. Freeman
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7:00 P.M.

CALL TO ORDER
(Mayor Kennedy)

ROLL CALL ATTENDANCE
(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT
Eric Hilding

PLEDGE OF ALLEGIANCE

INTRODUCTIONS
Jean Rotolo
Teodoro Herrera
Grounds Keepers

Robert Muro
Police Officer

CITY COUNCIL REPORT
Mayor Kennedy

CITY MANAGER'S REPORT

Presentation of architectural renderings of Visioning projects
The Steinberg Group
Morgan Hill Aquatic Center
Morgan Hill Community Center
Morgan Hill Library

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **FINANCE AND INVESTMENT REPORT**

Recommended Action: **Accept and File** Report.

2. **SINGLE AUDIT REPORT CERTIFICATION AND RESOLUTION OF AUDIT FINDINGS**

Recommended Action: **Accept** and **file** report.

3. **RATIFICATION OF THE SENIOR HOUSING REPAIR PROGRAM**

Recommended Action: **Adopt** a resolution making findings that the use of Redevelopment Agency 20% Housing set aside funds for the Senior Housing Repair Program and Senior Home Safety Repair Grant for homes and mobile homes located outside of the Project Area, but within the City of Morgan Hill, will benefit the Project Area. *(This program has already been approved by the Redevelopment Agency.)*

4. **COMFORT INN AND SUITES (PANWALA) - REQUEST FOR SEWER/TRAFFIC IMPACT FEE DEFERRAL**

Recommended Action: **Defer** payment of sewer and traffic fees for Comfort Inn and Suites until project completion and prior to Certificate of Occupancy issuance.

5. **FL0298 EL NINO WINTER STORM DISASTER DECLARATION**

Recommended Action: **Adopt** a resolution terminating the state of local emergency.

6. **STATUS REPORT ON BUTTERFIELD EXTENSION FROM DUNNE TO SAN PEDRO**

Recommended Action: For City Council information only. *(NOTE: City Manager has requested that this item be pulled and moved to Other Business.)*

7. **SETTING ANNUAL PUBLIC HEARING FOR FOX HOLLOW - MURPHY SPRINGS LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT**
Recommended Action: **Approve** attached Resolution of Intent to hold a Public Hearing for the purpose of levying assessments for Fiscal Year 1998-99 for the Fox Hollow-Murphy Springs Lighting and Landscaping Assessment District.
8. **INSTALLATION OF STOP SIGN ON DIANA AVENUE EAST OF BUTTERFIELD**
Recommended Action: For City Council information only.
9. **STATUS OF APRIL 1998 GENERAL PLAN AMENDMENT REQUESTS**
Recommended Action: Information item.
10. **APPLICATION : SD-97-24: WATSONVILLE - OLD ORCHARD BUILDERS (APN 767-23-021)**
Recommended Action: **Take no action**, thereby concurring with the Planning Commission's decision regarding approval of the subdivision map.
11. **PROGRESS REPORT ON IMPROVING CABLE SERVICE**
Recommended Action: Informational only, **no action to be taken**.
12. **RESOLUTION REGARDING ACTIONS OF COUNCIL MEMBER FREEMAN**
Recommended Action: **Adopt** a resolution regarding Council Member Freeman.
13. **AMENDMENT TO THE AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, MCCLURE & FLEGEL, LLP IN THE AMOUNT OF \$105,000 FOR INTERIM CITY ATTORNEY SERVICES FOR THE PERIOD APRIL - OCTOBER, 1998**
Recommended Action: **Authorize** the City Manager to Execute an Amendment to the Agreement with the firm of Jorgenson, Siegel, McClure & Flegel in the amount of \$105,000 for Interim City Attorney services for the period April - October, 1998.
14. **RESOLUTIONS ESTABLISHING CITY DEFERRED COMPENSATION PLANS AS TRUSTS**
Recommended Action: 1) **Adopt** a resolution amending the ICMA Retirement Corporation 457 Deferred Compensation Plan as described, 2) **Adopt** a resolution amending The Hartford 457 Deferred Compensation Plan as described, and 3) **Authorize** the City Manager to contract with ICMA and Hartford as necessary.
15. **APPROVAL OF CONTINUED MEETING MINUTES OF APRIL 22, 1998** (Continued from 5/6/98)
16. **APPROVAL OF REGULAR MEETING MINUTES OF MAY 6, 1998**

LEGALLY NOTICED PUBLIC HEARINGS:

17. **URBAN SERVICE AREA APPLICATIONS: USA 98-01: WEST MIDDLE-ROCHA, USA 98-02: WEST EDMUNDSON-MALONE, USA 98-03: CLAYTON AVE.-CITY OF MORGAN HILL, USA 97-04 EAST MAIN-FOX/BERNS**
Recommended Action: **Open and continue** public hearing for USA 98-02: West Edmundson-Malone to June 17, 1998.
18. **ZONING AMENDMENT & ANNEXATION APPLICATION ZA-98-04/ANX-98-01: SUNNYSIDE-SCHILLING (APN 767-29-006)**
Recommended Action: Request staff presentation.
The Mayor will **open** the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will **close the Public Hearing**.
Council discussion.
Action- **Motion to waive** the reading in full of the prezone ordinance;
Motion to introduce ordinance by title only.
19. **APPLICATIONS ZA-97-18 AND DA-97-12: WATSONVILLE - OLD ORCHARD BUILDERS (APN 767-23-021)**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve mitigated negative declaration.

Action- Motion to waive the reading in full of the residential planned development (RPD) ordinance;
Motion to introduce ordinance by title only.

Action- Motion to waive the reading in full of the development agreement (DA) ordinance;
Motion to introduce ordinance by title only.

20. TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) PROCEDURES. APPLICATION ZA-97-04B

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only.

Action - Motion to approve amended Measure P Implementation Policy by minute action.

21. ZONING AMENDMENT AND DEVELOPMENT AGREEMENT APPLICATIONS: ZA 98-03; DA 98-03: E. DUNNE AVE. - USA PROPERTIES

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve mitigated negative declaration.

Action- Motion to waive the reading in full of the residential planned development (RPD) ordinance;
Motion to introduce ordinance by title only.

Action- Motion to waive the reading in full of the development agreement (DA) ordinance;
Motion to introduce ordinance by title only.

OTHER BUSINESS:

22. REVIEW APPLICATIONS FOR THE GENERAL PLAN TASK FORCE

Recommended Action: Provide input and individual recommendations to the Mayor; ratify Council Member appointments and designate which Council representative shall serve as Chair and Vice Chair for the Task Force.

23. ADOPT RESOLUTIONS DECLARING THE CITY COUNCIL'S INTENTION TO FORM AN ASSESSMENT DISTRICT AND ADOPT RESOLUTION APPROVING THE ENGINEER'S REPORT AND SCHEDULING PROTEST HEARING

Recommended Action: Adopt a resolution declaring the intention to form an assessment district and describing the district's improvements and the boundaries. Adopt a second resolution approving the engineer's report and setting a time and place for a protest hearing.

24. OPPOSITION TO PROPOSED SCVWD PUMPING CHARGE INCREASE

Recommended Action: Authorize the Mayor to send the attached letter on behalf of the City of Morgan Hill opposing the recommended increase in the pumping charge.

25. REQUEST TO DISCUSS POSSIBLE SALE OF CITY-OWNED PROPERTY AT EXISTING CIVIC CENTER SITE

Recommended Action: Consider request by Council Member Freeman and provide appropriate direction.

ROLL CALL VOTE: The titles having previously been read, no second reading is required. (Government Code Section 36934)
Action -- **Adopt** Ordinance by roll call vote.

26. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1387, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill replacing Section 10.60 of the Municipal Code, regarding commercial vehicles/trucks.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

ADJOURNMENT:

FUTURE COUNCIL AGENDA ITEMS:

Feedback from Planning Commission and Personnel Commission regarding length of terms of office
Appointments to General Plan Task Force
Graffiti ordinance
Revised shopping card ordinance
Purchase of property adjacent to Nordstrom Park
Adoption of amended flood damage prevention ordinance

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #17 through #21 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.